

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **09/21/2009**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Jennifer Shilling (608) 266-5780**

By/Representing: **Nathan**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Higher Education - tech. college**

Extra Copies: **MDK**

Submit via email: **YES**

Requester's email: **Rep.Shilling@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Exemption from referendum for certain capital expenditures

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 09/21/2009	bkraft 09/21/2009		_____			S&L
/1	pgrant 10/01/2009	bkraft 10/01/2009	jfrantze 09/22/2009	_____	sbasford 09/22/2009		S&L
/2	pgrant 10/05/2009	bkraft 10/05/2009	phenry 10/01/2009	_____	cdurst 10/01/2009		S&L
/3			mduchek	_____	cdurst	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			10/06/2009 _____		10/06/2009	10/15/2009	

FE Sent For: "/3" sent for 10/16/09 per P.G. <END>

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/3			mduchek	_____	cdurst		

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/2			phenry 10/01/2009	<i>MD</i> <i>10/5</i>	cdurst 10/01/2009		

*13 bjk 10/5*

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Addl. Drafters:

Subject: Higher Education - tech. college

Extra Copies: MDK

Submit via email: YES

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### Topic:

Exemption from referendum for certain capital expenditures

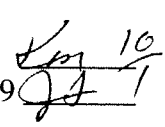
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### Instructions:

See attached

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/?	pgrant 09/21/2009	bkraft 09/21/2009					S&L
/1		12 bjk 10/1	jfrantze 09/22/2009		sbasford 09/22/2009		

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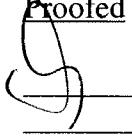
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See attached

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/?	pgrant	1 bjk 9/21					
			9/21				

FE Sent For:

<END>



**Grant, Peter**

---

**From:** Houdek, Nathan  
**Sent:** Monday, September 21, 2009 1:22 PM  
**To:** Grant, Peter  
**Subject:** Drafting info for Tech College student housing referendum exemption

Peter,

In reference to statute 38.15, please make the following change:

Under 38.15 (3), which says, "This section does not apply to any of the following:"

Add 38.15(3)(e), which would say:

38.15 (3) (e) A capital expenditure to purchase, construct, or lease/purchase a student residence facility.

Let me know if you have any questions.

Thanks, Nathan

---

Nathan Houdek  
**Office of Representative Jennifer Shilling**  
**95th Assembly District**  
phone 608.266.5780  
toll-free 888.534.0095  
fax 608.282.3695

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State of Wisconsin  
2009 - 2010 LEGISLATURE

FROM  
3262/1

LRB-3262/1

PG:bjk:ph

Thursday

LRB-3496 1/

PG:bjk

2009 BILL

SA  
x-ref

1 AN ACT *to renumber and amend* 38.15 (1); and *to create* 38.15 (1) (b) of the

2 statutes; relating to: ~~determining whether a referendum is required for~~

3 ~~certain capital expenditures made by a technical college district~~

from the  
requirement for  
a referendum

*Analysis by the Legislative Reference Bureau*

Under current law, if a technical college district board intends to make a capital expenditure in excess of \$1,500,000 for the purchase or construction of buildings or for the lease/purchase of buildings (if costs exceed \$1,500,000 for the lifetime of the lease), it must adopt a resolution stating its intention and submit the resolution to the electors of the district for approval.

This bill provides that ~~in determining the costs of the purchase, construction, or lease/purchase of a dormitory or student residence hall, the amount of student housing payments that the district board expects to receive over the useful life of the building or, for a lease/purchase, over the lifetime of the lease, is subtracted~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 SECTION 1. 38.15 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is  
5 renumbered 38.15 (1) (intro.) and amended to read:

INS

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

SEC. CR. 38.15(3)(e)

38.15(3)(e)<sup>B</sup> A capital expenditure for the  
 purchase or construction<sup>AA</sup> of the  
 lease/purchase<sup>g</sup> of a student residence facility<sup>g</sup>

## BILL

## SECTION 1

38.15 (1) (intro.) Subject to pars. (a) and (b) and sub. (3), if the district board intends to make a capital expenditure in excess of \$1,500,000, excluding moneys received from gifts, grants, or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if net costs exceed \$1,500,000 for the lifetime of the lease, building additions or enlargements, or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called, and conducted as provided in s. 67.05 (3), insofar as applicable. For the purposes of this section, all of the following apply:

(a) All projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

**SECTION 2.** 38.15 (1) (b) of the statutes is created to read:

38.15 (1) (b) In determining the net costs of the purchase, construction, or lease/purchase of a student residence hall or dormitory, the gross costs shall be reduced by the amount of student housing payments the district board expects to receive over the useful life of the building or, for a lease/purchase, over the lifetime of the lease, as determined by the district board.

**SECTION 3. Initial applicability.**

(1) ~~The renumbering and amendment of section 38.15 (1) of the statutes and the creation of section 38.15 (1) (b) of the statutes~~ <sup>This act</sup> first applies to ~~a resolution under~~ section 38.15 (1) of the statutes ~~adopted~~ on the effective date of this subsection.

(END)

capital expenditures made

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INS

this <sup>referendum</sup> requirement does not apply ~~if the~~ to  
a capital expenditure for <sup>the</sup> purchase <sup>or</sup> construction <sup>or</sup>  
<sup>or</sup> the lease/purchase <sup>or</sup> of a student  
residence facility.



State of Wisconsin  
2009 - 2010 LEGISLATURE

2009 BILL

\* FROM  
2838/2

LRB-2838/2  
PG:bjk:ph

LRB-3496/2  
PG:bjk

SA

-regen.

- 1 AN ACT *to renumber and amend* 38.15 (1); *to amend* 66.0621 (1) (a); and *to*  
2 *create* 38.14 (8) and 38.15 (1) (b) of the statutes; **relating to:** authorizing a  
3 technical college district board to issue revenue bonds and determining  
4 whether a referendum is required for certain capital expenditures.

***Analysis by the Legislative Reference Bureau***

This bill authorizes a technical college district board to issue revenue bonds. A revenue bond is a debt obligation issued to finance a specific project; interest and principal payments are derived from the revenue of the project being financed.

Under current law, if a technical college district board intends to make a capital expenditure in excess of \$1,000,000 for the lease/purchase of buildings (if costs exceed \$1,000,000 for the lifetime of the lease), it must adopt a resolution stating its intention and submit the resolution to the electors of the district for approval.

This bill provides that in determining the costs of a lease/purchase of a dormitory or student residence hall, the amount of student housing payments that the district board expects to receive over the lifetime of the lease is subtracted.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

x2  
\$1,500,000

## BILL

## SECTION 1

1       **SECTION 1.** 38.14 (8) of the statutes is created to read:

2       **38.14 (8) REVENUE BONDS.** The district board may issue revenue bonds under  
3       s. 66.0621 and enter into agreements related to the issuance of revenue bonds,  
4       including liquidity and credit facilities, remarketing agreements, insurance policies,  
5       guaranty agreements, letter of credit or reimbursement agreements, indexing  
6       agreements, interest exchange agreements, and currency exchange agreements.

7       **SECTION 2.** 38.15 (1) of the statutes is renumbered 38.15 (1) (intro.) and  
8       amended to read:

9       **38.15 (1) (intro.)** Subject to pars. (a) and (b) and sub. (3), if the district board  
10       intends to make a capital expenditure in excess of \$1,000,000, excluding moneys  
11       received from gifts, grants, or federal funds, for the acquisition of sites, purchase or  
12       construction of buildings, the lease/purchase of buildings if net costs exceed  
13       \$1,000,000 for the lifetime of the lease, building additions or enlargements, or the  
14       purchase of fixed equipment relating to any such activity, it shall adopt a resolution  
15       stating its intention to do so and identifying the anticipated source of revenue for  
16       each project and shall submit the resolution to the electors of the district for  
17       approval. The referendum shall be noticed, called, and conducted as provided in s.  
18       67.05 (3), insofar as applicable. For the purposes of this section, all of the following  
19       apply:

20       (a) All projects located on a single campus site within one district which are bid  
21       concurrently or which are approved by the board under s. 38.04 (10) within a 2-year  
22       period shall be considered as one capital expenditure project.

23       **SECTION 3.** 38.15 (1) (b) of the statutes is created to read:

# BILL

38.15 (1) (b) In determining the net costs of a lease/purchase of a student residence hall or dormitory, the gross costs shall be reduced by the amount of student housing payments the district board expects to receive over the lifetime of the lease.

**SECTION 4.** 66.0621 (1) (a) of the statutes is amended to read:

66.0621 (1) (a) “Municipality” means a city, village, town, county, technical college district, commission created by contract under s. 66.0301, public inland lake protection and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district created under ss. 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local professional baseball park district created under subch. III of ch. 229, a local professional football stadium district created under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229 or a municipal water district or power district under ch. 198 and any other public or quasi-public corporation, officer, board or other public body empowered to borrow money and issue obligations to repay the money and obligations out of revenues. “Municipality” does not include the state or a local exposition district created under subch. II of ch. 229.

## SECTION 5. Initial applicability.

(1) The renumbering and amendment of section 38.15 (1) of the statutes and the creation of section 38.15 (1) (b) of the statutes first applies to a lease/purchase agreement entered into on April 21, 2009.

(END)

The effective date  
of this subsection

D-note



2-22

as affected by 2009 Wisconsin Act 28

Section #. 38.15 (1) of the statutes is renumbered 38.15(1)(intro.) and amended to read:

(intro.)

para (a) and (b) and

38.15 (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of \$1,500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$1,500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9; 2001 a. 16; 2003 a. 62; 2009 a. 28.

of the following apply:  
#1 (a) All

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(DN)  
Date

LRB - 3496/2

PG: Ljk:

# 10 AA = This draft does not explicitly authorize  
a technical college district board  
to use student housing fees to make  
lease payments. AA = I think district boards  
already have that authority.

# 20 AA = Is the date correct in the Initial  
Applicability section?

PLS

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3496/2dn  
PG:bjk:ph

October 1, 2009

1. This draft does not explicitly authorize a technical college district board to use student housing fees to make lease payments. I think district boards already have that authority.
2. Is the date correct in the Initial Applicability section?

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

2009 BILL

LRB-3496/8

PG:bjk:jf

stays version is correct

500m  
\* FROM 3496/1 \*

GA

regen.

- 1 AN ACT *to create* 38.15 (3) (e) of the statutes; **relating to:** exempting certain  
2 capital expenditures made by a technical college district from the requirement  
3 for a referendum.

in determining whether

**Analysis by the Legislative Reference Bureau**

Under current law, if a technical college district board intends to make a capital expenditure in excess of \$1,500,000 for the purchase or construction of buildings or for the lease/purchase of buildings (if costs exceed \$1,500,000 for the lifetime of the lease), it must adopt a resolution stating its intention and submit the resolution to the electors of the district for approval.

This bill provides that this referendum requirement ~~does not apply~~ <sup>applies</sup> to a capital expenditure for the purchase or construction, or the lease/purchase, of a student residence facility. ~~A that portion of the capital expenditure consisting of student~~

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 4 SECTION 1. 38.15 (3) (e) of the statutes is created to read:  
5 38.15 (3) (e) That portion of funded with student housing payments  
6 lease/purchase, of a student residence facility.

subtracted

housing payments is

partially funded with student housing payments

**BILL**

**SECTION 2**

*district board resolutions adopted*

**SECTION 2. Initial applicability.**

(1) This act first applies to ~~capital expenditures made~~ on the effective date of this subsection.

(END)

**Parisi, Lori**

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**From:** Houdek, Nathan  
**Sent:** Wednesday, October 14, 2009 3:30 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3496/3 Topic: Exemption from referendum for certain capital expenditures

Please Jacket LRB 09-3496/3 for the ASSEMBLY.